

March 1, 2016 Wayne Dresser Salisbury Maryland Conference call

Participants:

Luis Pizarro
Diane Schott
Mark Hammaker
Lenny Rafalko

Notes:

LUIS:

Land Use Restrictions: following meeting, we debriefed ourselves in the context of moving forward with a risk based on industrial exposure, we found some issues that caused us to pause

The land use restrictions in the sales agreement we see as very restrictive – are difficult to implement.

I looked back at existing use restrictions- and provided examples of what we have used at other facilities.

The land use restrictions in the sales agreement, we see problems with implementing.

Lenny: Sales agreement is between Dresser/GE and the foundation. DII is not directly involved in the sale.

Luis: Saw there is some urgency and a need for an early conversation.

Lenny/Mark: An early conversation is good.

Mark: It is not clear on what is industrial- what is residential.

Luis: When we say “residential”, it is unrestricted use, a walk away site.

The sales agreement restricts children- is a complication of implementable and enforceable.

Land use will be ok if it is used for industrial purposes only. Other uses, it will need to be demonstrated it is ok.

Luis- higher K is unrestricted exposure- we do not feel comfortable – could have a college setting that is unrestricted; if a parking lot is built, it is not an issue; in order to use higher K or any use not consistent with industrial use, then requires unrestricted use. When comparing to construction worker- a construction worker wears protective gear; a college student will not have that protection.

Lenny: what is accepted as industrial? What is a book store?

Luis: EPA will accept commercial as industrial. EPA does not distinguish between college and lower age education. How do you control? I will not be comfortable it is protective. The way we play it safe is apply residential scenario.

Lenny: Sellers agreement is between Dresser and the Foundation; DII was part of it.

Is concerned about entity interested in using land and will need to default to unrestricted use.

Luis: If we knew what would be built...

Exposure concern is direct contact. If all direct contact goes away, then will provide remedy of cover.

Lenny: If include a remedy of no direct contact w soil, environmental covenant will include a maintenance plan- IC- cap. We do not want anybody having direct contact.

Diane: expressed concern about chromium migrating to ambient air, and potential need for an air break; I have looked and cannot find what levels of chromium are associated with chromium migration

Lenny interjected: capillary break was installed at Allied; no comparison between contamination at Allied and contamination at Salisbury

Diane agreed the contamination at Salisbury is not similar to that at Allied; however, chromium contamination at the Salisbury site was discovered because it rose to the surface

Luis:

Communication with the city- to understand they are comfortable with the remedy- industrial exposure and groundwater. Element of remedy includes MNA- groundwater is a source of drinking water for the city- MNA will take a long time; they have an opportunity to weigh in during the during the remedy selection process

Communication with University to explain use restriction and corrective action objective for the site.

Diane: inquired whether they are aware of 2010 Plan for the city on the web site.

Lenny stated they may have a comprehensive use plan different than the 2010 plan.

Luis: It is prudent for the city to know what is going on.

This is an iterative process.

Lenny stated "collaborative".

Luis:

Legal issue: I explained during the meeting and am still not convinced we can do a UECA without a decision. Susan is trying to contact the MDE AG to discuss. Mike seemed to think it was possible. I do not know how this is going to pan out.

There are situations – one in PA and one in Maryland, where they issued the covenant under the voluntary program and then we issued a decision. In Maryland, there is an approved RAP before a UECA

Post remedy implementation: Been requesting for long term stewardship annually; state template is “upon request”; we want it annually- annual report describing the status of all elements of the remedy including monitoring results and conformance with IC’s,

Parcels: I am still of the opinion that north part of the Facility is part of the Facility for the purpose of Corrective Action. Other two can go either way. South end of east and south parcel- are current retention basins-

Mark or Lenny-what regulatory status are they in?

Luis: our preference, I would like to include all parcels in the decision.

Since they built the basins, the info is out there- would like some info on what happened to each, if ok; if info is available on what was found and what was dealt with; phase I and II- if you have, would like to have; at north parcel- are using existing info to show no work is needed; if we can have info to reach same conclusion, this my “ask”

I would feel uncomfortable to make a decision for this site and ignore the 2 parcels.

If there is information out there, showing us that found some contamination, it was dealt with, and in their current state do not present an unacceptable risk, then no work.

If it shows it is then that is a different story.

Lenny: TB-MW-2 –downgradient of east lot basin- has been essentially clean.

Diane: well on southwest corner near south lot as well.

Lenny: wells at south of plant near south lot- can look at to see if downgradient from part of south lot.

Mark- I do not know if they have info on the south and east lot.

- will look at information on the construction of the basin

Other parts of response/meeting we would like to discuss?

Diane- am working on all parts of it, have not reviewed with Luis

With respect to groundwater monitoring locations, planned locations are a good start with respect to known data gaps at the former manufacturing parcel - associated with existing data. Reserve the right to request additional location based on where the data takes us. Concerns include that locations are based on data which is three years old; was not able to find each location reported in the 2015 report; and I do not know which wells will be sampled- found 37- which one will not be sampled?

Lenny stated- PZ well probably not being sampled. Is by a lot of other wells in the chromium contamination area. An attempt was made to include all locations reported in the 2015 report on the drawing template provided with the report. Expressed that 61 is a lot of wells.

Diane-expressed concern for VDB 30 location-and deep locations looking for DNAPL- will not know until we receive the results whether on site wells are sufficient-need to bound contamination.

Lenny confirmed that $H=0.1$ will be used to evaluate results.

(Luis stated- we make decision based on reports- not workplans, when the data is in front of us.)

Mark inquired what does Luis expect from DII?

Luis requested DII keep moving. If college students will be on “industrial” or will it be covered up. Rather than find problems, find solutions.

Mark stated he will let us know when they will get back to us.